

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

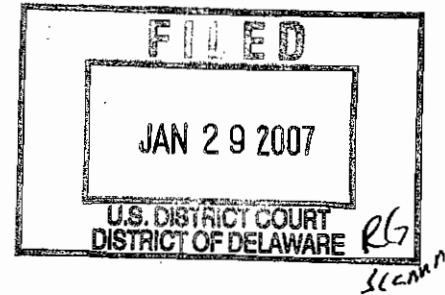
PHYLLIS DRUMMOND

Plaintiff (s),

vs.

STATE OF DELAWARE

Defendant (s),



- 0 7 - - 5 8 -

Civil Action No. \_\_\_\_\_

**PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL**

Pursuant to 28 U.S.C. 1915 (e)(i), plaintiff (s) moves for an order appointing counsel to represent him/her in this case. In support of this motion, plaintiff states,

1. Plaintiff (s) cannot afford to hire a lawyer. He/she has requested leave to proceed in forma pauperis in this case.
2. Plaintiff (s) imprisonment will greatly limit his ability to litigate this case. This case will involve substantial investigation and discovery.
3. The issues in this case are complex. A lawyer would help plaintiff to apply the law properly in briefs and before the court. Plaintiff has never before been a party to civil legal proceeding.
4. A trial in this case will likely involve conflicting testimony. A lawyer would assist plaintiff in the presentation of evidence and the cross-examination of opposing witnesses.
5. Plaintiff has made repeated efforts to obtain a lawyer. Attached to this motion are letters from lawyers responding to plaintiff's requests for representation.

WHEREFORE, plaintiff requests that the court appoint counsel to represent him/her in this case.

Respectfully submitted on this 8 day of January, 2007

Phyllis Drummond  
Movant



**PUBLIC DEFENDER OF THE STATE OF DELAWARE  
SUSSEX COUNTY OFFICE  
14 THE CIRCLE, 2nd FLOOR  
GEORGETOWN, DELAWARE 19947**

**LAWRENCE M. SULLIVAN  
PUBLIC DEFENDER**

**KARL HALLER  
ASSISTANT PUBLIC DEFENDER**

**BRIAN J. BARTLEY  
CHIEF DEPUTY**

**TELEPHONE  
(302) 856-5310**

April 17, 2006

Ms. Drummond  
WCI  
660 Baylor Blvd  
New Castle, DE 19720

RE: State v. Drummond

Dear Ms. Drummond:

I have received your letter of March 12, 2006, in which you state that you need help with your case, ID# 0311018699A.

It appears that you were represented by Carole Dunn of this office in your case. Following trial, which resulted in your conviction, you were sentenced on November 12, 2004. You appealed your conviction and sentence to the Delaware Supreme Court, which affirmed the judgment of the Superior Court on September 14, 2005. It also appears that you filed a motion for reduction of sentence which was denied by Judge Bradley on October 24, 2005; and a motion for post conviction relief was filed on March 2, 2006. I do not know the basis of the post conviction relief motion. If the basis of that motion is incompetent counsel, this office would not be able to represent you on that matter, but you could request the court to appoint non-Public Defender counsel to represent you on that matter.

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State v. Drummond

You of course have the right to file an appeal from any final judgement of a court, within 30 days of that decision, including a decision on a post conviction relief motion that is adverse to your interests.

There are also the prospects of federal habeas corpus and other relief in the federal courts; however, this office would not be able to assist you with those matters in federal courts.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'K' followed by a vertical line and a horizontal stroke.

Karl Haller  
Assistant Public Defender

**MICHAEL W. MODICA**  
ATTORNEY AT LAW  
715 N. KING ST., SUITE 300  
P.O. BOX 437  
WILMINGTON, DELAWARE 19899-0437

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TELEPHONE: (302) 425-3600  
FACSIMILE: (302) 425-5712  
EMAIL: MODICALAW@AOL.COM

July 11, 2005

Ms. Phyllis Drummond  
BWCI  
660 Baylor Blvd.  
New Castle, DE 19720

Dear Ms. Drummond:

I am in receipt of your recent letter regarding your case. This is to inform you that I will charge \$1,000.00 to review your case. If there are any grounds to support an appeal, I will discuss the additional fee for representing you on the appeal at that time.

Please contact me if you have any questions.

Very truly yours,



Michael W. Modica

MWM/tss

EUGENE J. MAURER, JR., P.A.

ATTORNEYS AT LAW

1201-A KING STREET

WILMINGTON, DELAWARE 19801

(302) 652-7900

FAX (302) 652-2173

EMAIL [emaurej1@verizon.net](mailto:emaurej1@verizon.net)

March 27, 2006

Ms. Phyllis Drummond  
Baylor Women's Correctional Institute  
660 Baylor Boulevard  
New Castle, DE 19720

Dear Ms. Drummond:

Thank you for your letter dated February 28, 2006 which I did not receive until March 13.

I unfortunately am not in a position to take on cases pro bono given my current case load and the demands on my time. Nevertheless, I wish you the best of luck in whatever efforts you make to prove your innocence.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Eugene J. Maurer, Jr.", with a long horizontal stroke extending to the right.

Eugene J. Maurer, Jr.

Law Office of  
**YOUNG, MALMBERG & HOWARD, P.A.**  
30 The Green  
Dover, Delaware 19901  
[www.youngmalmberg.com](http://www.youngmalmberg.com)

Kevin M. Howard  
Khoward@youngmalmberg

Phone: (302) 672-5600  
Fax: (302) 672-7336

March 6, 2006

Ms. Phyllis Drummond  
WCI  
660 Baylor Boulevard  
New Castle, DE 19720

Dear Ms. Drummond:

Thank you for your letter of February 21, 2006 which I received today. My caseload is such that I simply cannot take on your case at this time.

Very truly yours,

  
**YOUNG, MALMBERG & HOWARD, P.A.**

**KEVIN M. HOWARD, ESQUIRE**

KMH/bls

**DELAWARE VOLUNTEER LEGAL SERVICES, INC.**

*Serving the Community for over Twenty Years*

P.O. Box 7306  
WILMINGTON, DELAWARE 19803

TELEPHONE: 302-478-8680

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DOMESTIC VIOLENCE & ATTORNEY RECRUITMENT

JACQUELYN A. CHACONA, ESQUIRE  
STAFF ATTORNEY:  
OUTREACH & CASE PLACEMENT

March 1, 2006

IM Phyllis Drummond  
660 Baylor Blvd.  
New Castle, DE 19720

Re: Request for Legal Assistance

Dear Ms. Drummond:

I regret to inform you that Delaware Volunteer Legal Services, Inc., will not be able to assist you with your criminal issue due to problem ineligibility. We do not handle criminal cases in our office.

I am sorry we are not able to assist you.

Sincerely,

Delaware Volunteer Legal Services, Inc.

:lk

# aclu delaware

March 8, 2006

Ms. Phyllis Drummond  
Baylor Correctional Center  
660 Baylor Blvd.  
New Castle, DE 19720

Dear Mr. Drummond:

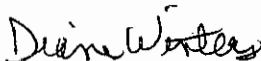
We have received your letter requesting assistance from the ACLU of Delaware. Unfortunately, we are unable to assist you in this matter. The ACLU is a non-profit, non-governmental organization that seeks to preserve and extend constitutional rights and principles found primarily in the Bill of Rights. The ACLU relies entirely on private donations, and limited resources prevent us from acting as a general legal clinic. We are unable to take most of the requests for legal assistance that we receive.

The ACLU of Delaware is unable to assist with criminal defense, sentencing, parole, or classification issues. You should contact your counselor or defense attorney for help with these matters. If you have a complaint about your attorney, you may contact the Office of Disciplinary Counsel, Carvel State Office Building, 820 N. French St., 11<sup>th</sup> Floor, Wilmington, DE 19801-3545. Another attorney or agency may be in a better position to assist you. You may wish someone to contact the Legal Help Link at 302-478-8850. If they are unable to assist you perhaps they can refer you to someone who can.

We urge you to be sure to exhaust all administrative remedies (grievances and appeals) before attempting a judicial resolution to your situation. New legislation requires absolute exhaustion of administrative remedies before state prisoners may file a civil action. Should you fail to take this important step, it will, in all likelihood, result in your civil action being dismissed.

Thank you for contacting the ACLU of Delaware.

Sincerely,



Diane Winters  
Intake Representative,  
ACLU of Delaware